

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Robynne Ariel Fauley,  
Interested Party

Appeal No.

v.

RESCAP LIQUIDATING TRUST, a Delaware statutory trust  
Successor in Interest to the Administratively Consolidated Debtors

and

LNK Corporation ("LNK"), a Nevada corporation, and various subsidiaries and affiliates, and  
other Beal corporate entities such as Beal Bank SSB, Beal Bank USA, MGC, LPP Mortgage  
Ltd., CLMG, fully controlled by Daniel Andrew Beal,  
Successor in Interest to Residential Funding Company, LLC

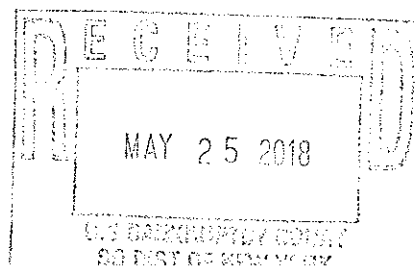
In re the Bankruptcy of  
RESIDENTIAL CAPITAL, LLC,  
(Administratively Consolidated<sup>1</sup>)  
Debtor

Case No. 12-12020

**PRELIMINARY STATEMENT OF ISSUES ON APPEAL OF INTERESTED-PARTY  
APPELLANT ROBYNNE ARIEL FAULEY PURSUANT TO FED. R. BANKR. P. 8009**

**NOW COMES Interested Party-Appellant, Robynne Ariel Fauley, pursuant to Fed. R.**

<sup>1</sup> The administratively consolidated Debtors were: Ditech, LLC; DOA Holding Properties, LLC; DOA Holdings Note Co, LLC; DOA Properties IX (Lots-Other), LLC; EPRE LLC; Equity Investment I, LLC; ETS of Virginia, Inc.; ETS of Washington, Inc.; Executive Trustee Services, LLC; GMAC Model Home Finance I, LLC; GMAC Mortgage USA Corporation; GMAC Mortgage, LLC; GMAC Residential Holding Company, LLC; GMACM Borrower LLC; GMACR Mortgage Products, LLC; GMAC-RFC Holding Company, LLC; GMACRH Settlement Services, LLC; HFN REO SUB II, LLC; Home Connects Lending Services, LLC; Homecomings Financial, LLC; Homecomings Financial Real Estate Holdings, LLC; Ladue Associates, Inc.; Passive Asset Transactions, LLC; PATI A, LLC; PATI B, LLC; PATI Real Estate Holdings, LLC; RAHI A, LLC; RAHI B, LLC; RAHI Real Estate Holdings, LLC; RCSFJV2004, LLC; Residential Accredited Loans, Inc.; Residential Asset Mortgage Products, Inc.; Residential Asset Securities Corporation; Residential Capital, LLC; Residential Consumer Services of Alabama, LLC; Residential Consumer Services of Ohio, LLC; Residential Consumer Services of Texas, LLC; Residential Consumer Services, LLC; Residential Funding Company, LLC; Residential Funding Mortgage Exchange, LLC; Residential Funding Mortgage Securities I, Inc.; Residential Funding Mortgage Securities II, Inc.; Residential Funding Real Estate Holdings, LLC; Residential Mortgage Real Estate Holdings, LLC; RFC Asset Holdings II, LLC; RFC Asset Management, LLC; RFC Borrower LLC; RFC Construction Funding, LLC; RFC SFJV-2002, LLC; and RFC-GSAP Servicer Advance, LLC



Bankr. P. 8009, and files her Preliminary Statement of Issues on appeal, reserving her right to amend or supplement her Preliminary Statement of Issues, upon further review of the documents, records and filings in the proceedings.

I. Was the Interested-Party Appellant denied procedural due process guaranteed by the Fifth Amendment to the *United States Constitution* by the May 2, 2018 Order (Doc. 10522) directing the Clerk of the United States Bankruptcy Court for the Southern District of New York to reject her filings, without notice and opportunity to be heard?

II. Was the Interested-Party Appellant denied procedural due process guaranteed by the Fifth Amendment to the *United States Constitution* in the Chapter 11 Case titled *In re Residential Capital, LLC* of which she had no notice of the proceedings until after the Bar Date for Claims had expired?

III. Is the Interested-Party Appellant entitled to seek relief in the Chapter 11 Case titled *In re Residential Capital, LLC*, which is still being administered in the United States Bankruptcy Court for the Southern District of New York, from the frauds she has identified in the securitization process in which a predecessor in interest to the RESCAP Liquidating Trust (Residential Funding Company, LLC) participated and which frauds continue to affect her property rights and interests involving multiple false assignments of mortgages and a falsely created Allonge to her Note, discovered after the Bar Date for Claims had expired?  
Dated at Sandy, Oregon this 24<sup>th</sup> day of May, 2018.

  
Robynne Ariel Fauley  
12125 SE Laughing Water Road  
Sandy, Oregon 97055  
(503) 381-6937  
robynneafauley@gmail.com

### DECLARATION OF SERVICE

Robynne Ariel Fauley declares, under penalty of perjury of the laws of the United States of America, pursuant to 28 U.S.C. sec. 1746, that she caused the foregoing Designation of Record to be printed and hand-delivered to the Clerk of the United States Bankruptcy Court for the Southern District of New York for filing to be converted to PDF format and uploaded into the Court's electronic docket for service on all parties capable of service by CM/EC and that she deposited the foregoing Designation of Record for delivery by Priority Mail on May 24, 2018 addressed to counsel for the Appellees, the RESCAP Liquidating Trust and LNV Mortgage Corporation and its affiliated entities, and also by email, at their addresses of record in these proceedings thereby served all parties entitled to receive the foregoing Designation of Record.

  
Robynne Ariel Fauley

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Robynne Ariel Fauley,  
Interested Party

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and

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other Beal corporate entities such as Beal Bank SSB, Beal Bank USA, MGC, LPP Mortgage  
Ltd., CLMG, fully controlled by Daniel Andrew Beal,  
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In re the Bankruptcy of  
RESIDENTIAL CAPITAL, LLC,  
(Administratively Consolidated<sup>1</sup>)  
Debtor

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**INITIAL DESIGNATION OF RECORD OF INTERESTED-PARTY APPELLANT  
ROBYNNE A. FAULEY PURSUANT TO FED. R. BANKR. P. 8009**

**NOW COMES** Interested Party-Appellant, Robynne Ariel Fauley, pursuant to Fed. R.

<sup>1</sup>The administratively consolidated Debtors were: Ditech, LLC; DOA Holding Properties, LLC; DOA Holdings Note Co, LLC; DOA Properties IX (Lots-Other), LLC; EPRE LLC; Equity Investment I, LLC; ETS of Virginia, Inc.; ETS of Washington, Inc.; Executive Trustee Services, LLC; GMAC Model Home Finance I, LLC; GMAC Mortgage USA Corporation; GMAC Mortgage, LLC; GMAC Residential Holding Company, LLC; GMACM Borrower LLC; GMACR Mortgage Products, LLC; GMAC-RFC Holding Company, LLC; GMACRH Settlement Services, LLC; HFN REO SUB II, LLC; Home Connects Lending Services, LLC; Homecomings Financial, LLC; Homecomings Financial Real Estate Holdings, LLC; Ladue Associates, Inc.; Passive Asset Transactions, LLC; PATI A, LLC; PATI B, LLC; PATI Real Estate Holdings, LLC; RAHI A, LLC; RAHI B, LLC; RAHI Real Estate Holdings, LLC; RCSFJV2004, LLC; Residential Accredit Loans, Inc.; Residential Asset Mortgage Products, Inc.; Residential Asset Securities Corporation; Residential Capital, LLC; Residential Consumer Services of Alabama, LLC; Residential Consumer Services of Ohio, LLC; Residential Consumer Services of Texas, LLC; Residential Consumer Services, LLC; Residential Funding Company, LLC; Residential Funding Mortgage Exchange, LLC; Residential Funding Mortgage Securities I, Inc.; Residential Funding Mortgage Securities II, Inc.; Residential Funding Real Estate Holdings, LLC; Residential Mortgage Real Estate Holdings, LLC; RFC Asset Holdings II, LLC; RFC Asset Management, LLC; RFC Borrower LLC; RFC Construction Funding, LLC; RFC SFJV-2002, LLC; and RFC-GSAP Servicer Advance, LLC

Bankr. P. 8009, and files her Designation of Record, reserving her right to amend or supplement the Designation of Record and Statement of Issues, upon further review of the documents, records and filings in the proceedings.

#### INITIAL DESIGNATION OF RECORD

Doc. 1	May 14, 2012	Chapter 11 Petition of Residential Funding Company, LLC as Case No. 12-12019
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Doc. 2	May 14, 2012	Motion for Joint Administration of Chapter 11 Cases of Residential Funding Company, LLC in Case No. 12-12019
Doc. 3	May 14, 2012	Order for Joint Administration of Chapter 11 Cases under Caption of In re Residential Capital, LLC in Case No. 12-12020
Doc. 30	May 14, 2012	Debtors' Motion for an Order under Bankruptcy Code Section 105(a) and Bankruptcy Rule 2002(a), (F), (L) and (M) (I) Waiving the Requirement That Each Debtor File a List of Creditors, (II) Authorizing the Debtors to File a Consolidated List of the Fifty Largest Unsecured Creditors, (III) Approving the Form and Manner of Notice of the Commencement of the Debtors' Chapter 11 Cases and (IV) Approving Publication Notice to Borrowers
Doc. 84	May 15, 2012	Order Granting Motion for Service of Notice of Commencement of Bankruptcy Cases by Publication
Doc. 84	May 15, 2012	Order Granting Motion for Service of Notice of Commencement of Bankruptcy Cases by Publication
Doc. 91	May 16, 2012	Interim Order Under Sections 105(a), 362, 363, 1107(a) and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue in the Ordinary Course of Business (A) Servicing Non-Governmental Association Loans, and (B) Sale Activities Related to Certain Loans in Foreclosure and Real Estate Owned Property, and (II) Granting Limited Stay Relief to Enable Borrowers to Assert Related

Counter-Claims in Foreclosure and Eviction Proceedings  
 (Interim Order for Partial Relief from the Automatic Stay  
 to Continue Foreclosure Activities)

Doc. 96	May 16, 2012	Order Approving Kurtzman Carson Consultants LLC ("KCC") as Debtors' Noticing Agent
Doc. 181	May 31, 2012	Motion for Supplemental Order Under Bankruptcy Code Sections 105(a), 362, 363, 502, 1107(a) and 1108 and Bankruptcy Rule 9019 (I) Authorizing the Debtors to Continue Implementing Loss Mitigation Programs; (II) Approving Procedures for Compromise and Settlement of Certain Claims, Litigations and Causes of Action; (III) Granting Limited Stay Relief to Permit Foreclosure and Eviction Proceedings, Borrower Bankruptcy Cases, and Title Disputes to Proceed; and (IV) Authorizing and Directing the Debtors to Pay Securitization Trustee Fees and Expenses (Motion for Supplemental Order to Continue Foreclosure Activities)
Doc. 195	June 2, 2012	Affidavit of Service of Interim Order Under Sections 105(a), 362, 363, 1107(a) and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue in the Ordinary Course of Business (A) Servicing Non-Governmental Association Loans, and (B) Sale Activities Related to Certain Loans in Foreclosure and Real Estate Owned Property, and (II) Granting Limited Stay Relief to Enable Borrowers to Assert Related Counter-Claims in Foreclosure and Eviction Proceedings
Doc. 402	June 15, 2012	Final Order under Sections 105(a), 362, 363, 1107(a) and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue in the Ordinary Course of Business (A) Servicing Non-governmental Association Loans, and (B) Sale Activities Related to Certain Loans in Foreclosure and Real Estate Owned Property, and (II) Granting Limited Stay Relief to Enable Borrowers to Assert Direct Claims and Related Counter-claims in Foreclosure and Eviction Proceedings
Doc. 548	June 30, 2012	Schedules and Statement of Financial Affairs of Residential Funding Company, LLC filed in Case No. 12-12020

Doc. 684	July 3, 2012	Amended Schedule of Assets of Residential Funding Company, LLC filed in Case No. 12-12020
Doc. 774	July 13, 2012	Final Supplemental Order under Bankruptcy Code Sections 105(a), 362, 363, 502, 1107(a), and 1108 and Bankruptcy Rule 9019 (I) Authorizing the Debtors to Continue Implementing Loss Mitigation Programs; (II) Approving Procedures for Compromise and Settlement of Certain Claims, Litigations and Causes of Action; (III) Granting Limited Stay Relief to Permit Foreclosure and Eviction Proceedings, Borrower Bankruptcy Cases, and Title Disputes to Proceed; and (IV) Authorizing and Directing the Debtors to Pay Securitization Trustee Fees and Expenses
Doc. 799	July 17, 2012	Order authorizing the retention of Perkins Coie as ordinary course counsel
Doc. 1309	August 29, 2012	Order Setting Date for Filing of Proofs of Claim (Bar Date Order)
Doc. 1387	September 10, 2012	Affidavit of Disinterestedness of Perkins Coie
Doc. 2093	November 7, 2012	Order Extending Bar Date
Doc. 2246	November 21, 2012	Order Under 11 U.S.C. §§ 105, 363, and 365 and Fed. Bankr. P. 2002, 6004, 6006, and 9014 (I) Approving (A) Sale of Debtors' Assets Pursuant to asset Purchase Agreement with Ocwen Loan Servicing, LLC; (B) Sale of Purchased Assets Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (C) Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Thereto; (D) Related Agreements; and (II) Granting Related Relief
Doc. 3759	May 13, 2013	Perkins Coie's Declaration in Support of Debtors' Application to Employ Special Insurance Coverage Counsel
Doc. 3853	May 31, 2013	Order Approving Employment of Special Insurance Coverage Counsel
Doc. 4809	August 23, 2013	Order (I) Approving Disclosure Statement, (II) Establishing

Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan Proponents' Joint Chapter 11 Plan, (III) Approving the Form of Ballots, (IV) Scheduling a Hearing on Confirmation of the Plan, (V) Approving Procedures for Notice of The Confirmation Hearing and for Filing Objections to Confirmation of the Plan, and (VI) Granting Related Relief

Doc. 4811	August 23, 2013	Notice of Filing of the Solicitation Version of the Disclosure Statement and Joint Chapter 11 Plan
Doc. 5993	December 3, 2013	Seconded Amended Plan of Reorganization
Doc. 6064	December 10, 2013	ResCap Liquidating Trust Liquidating Trust Agreement
Doc. 6065	December 11, 2013	Order Confirming Second Amended Plan of Reorganization
Doc. 6137	December 17, 2013	Notice of Entry of Confirmation Order Confirming the Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. And the Official Committee of Unsecured Creditors and Occurrence of Effective Date
Doc. 6138	December 17, 2012	Notice of Deadline and Procedures for Filing Certain Administrative Claims
Doc. 6141	December 17, 2013	Affidavit of Service of Order Confirming Second Amended Plan of Reorganization
Doc. 6806	April 21, 2014	Memorandum Opinion and Order Denying Motion to Lift the Automatic Stay and Enforcing Release of Claims Against Ally Financial Inc.
Doc. 7148	June 20, 2014	Memorandum Opinion and Order Granting in Part and Denying in Part Ally Financial Inc.'s Motion for an Order Enforcing the Chapter 11 Plan Injunction
Doc. 10469	January 22, 2018	Notice of Conflicts of Interest, Fraud and Fraud on the Court filed by Denise Subramaniam, Robynne A. Fauley, Tuli Molina-Wohl, and Catherine Gebhardt
Doc. 10482	March 2, 2018	Response to Notice by the RESCAP Liquidating Trust

Doc. 10485 March 6, 2018 Joinder by LNV Corporation in Response [Doc. 10482]

Doc. 10502 April 2, 2018 Reply of Catherine Gebhardt to Response of the RESCAP Liquidating Trust [Doc. 10482] and Joinder of LNV Corporation [Doc. 10485]

Doc. 10504 April 2, 2018 Reply of Tuli Molina-Wohl to Response of the RESCAP Liquidating Trust [Doc. 10482] and Joinder of LNV Corporation [Doc. 10485]

Doc. 10505 April 2, 2018 Reply of Denise Subramaniam to Response of the RESCAP Liquidating Trust [Doc. 10482] and Joinder of LNV Corporation [Doc. 10485]

Doc. 10506 April 2, 2018 Reply of Robynne A. Fauley to Response of the RESCAP Liquidating Trust [Doc. 10482] and Joinder of LNV Corporation [Doc. 10485]

Doc. 10516 April 24, 2018 Order Denying Relief

Doc. 10521 May 2, 2018 Letter from Robynne A. Fauley clarifying status of Notice

Doc. 10522 May 2, 2018 Order Directing Rejection of Documents Filed by Robynne A. Fauley

Doc. 10523 May 2, 2018 Affidavit of Service of Doc. 10516

Dated at Sandy, Oregon this 24<sup>th</sup> day of May, 2018.

  
Robynne Ariel Fauley  
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Sandy, Oregon 97055  
(503) 381-6937  
robynneafauley@gmail.com

#### DECLARATION OF SERVICE

Robynne Ariel Fauley declares, under penalty of perjury of the laws of the United States of America, pursuant to 28 U.S.C. sec. 1746, that she caused the foregoing Designation of Record to be printed and hand-delivered to the Clerk of the United States Bankruptcy Court for the Southern District of New York for filing to be converted to PDF format and uploaded into the

Court's electronic docket for service on all parties capable of service by CM/EC and that she deposited the foregoing Designation of Record for delivery by Priority Mail on May 24<sup>th</sup>, 2018 addressed to counsel for the Appellees, the RESCAP Liquidating Trust and LNV Mortgage Corporation and its affiliated entities, and also by email, at their addresses of record in these proceedings thereby served all parties entitled to receive the foregoing Designation of Record.

  
Robynne Ariel Fauley